23

24

25

ØŠÖÖ

ŒŒFÁRŒÞÁŒÁEJKŒÉÁŒT SŒPŐÁÔUWÞVŸ ÙWÚÒÜQUÜÁÔUWÜVÁÔŠÒÜS ÒËZŒŠÒÖ

ÔŒÙÒÁNÁGFËŒŒ£JÎÎËÄSÞV

IN THE SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING

LANDON L. CLARO, individually,

Plaintiff,

vs.

ASH GROVE CEMENT COMPANY, a foreign corporation,

Defendant.

CASE NO.

COMPLAINT FOR PERSONAL INJURIES

COMES NOW the plaintiff, Landon L. Claro, by and through his attorney of record, Daniel R. Whitmore, and alleges the following claims for relief against the defendant.

I. IDENTIFICATION OF PARTIES, JURISDICTION AND VENUE

1.1 All acts and omissions hereinafter alleged occurred within King County, Washington. This Court has jurisdiction over this cause of action and is a proper venue for the resolution of this dispute.

COMPLAINT FOR PERSONAL INJURIES - 1

Law Office of
Daniel R. Whitmore, PS
6840 Fort Dent Way, Ste. 210
Tukwila, WA 98188
(206) 329-8400 / (206) 329-8401 (FAX)

- 1.2 At all times material hereto, plaintiff Landon L. Claro was an individual residing in the State of Washington.
- 1.3 At all times material hereto, defendant Ash Grove Cement Company ("Ash Grove") was a foreign corporation doing business in the State of Washington.

II. LIABILITY

- 2.1 On or about June 25, 2019 at approximately 1;40 p.m., plaintiff Claro was working at premises located at or around 3801 East Marginal Way South in Seattle, Washington.
- 2.2 At all times material hereto, defendant Ash Grove was the owner and/or operator of the above-referenced premises and/or were otherwise conducting business on said premises.
- 2.3 At all times material hereto, defendant Ash Grove exercised pervasive control over the work such that Ash Grove had a duty to keep that work site safe for all workers.
- 2.4 At all times material hereto, defendant Ash Grove had a non-delegable duty to ensure that the work site was in compliance with WISHA job safety regulations.
- 2.5 At the above referenced time and place, plaintiff Claro was working when a roll-up bay door came down suddenly and struck him on the left shoulder and head, causing him severe personal injuries.

COMPLAINT FOR PERSONAL INJURIES - 2

9

8

10

11

13 14

15

16

17 18

19

20

21

22

2324

25

П

2.6 Plaintiff's fall was proximately caused by the negligence of defendant Ash Grove. Said negligence includes but is not limited to: breach of the non-delegable duty to comply with WISHA job safety regulations, violation of WAC 296-800-11005, violation of WAC 296-800-11010, violation WAC 296-800-11015, breach of the duty to exercise reasonable care to keep its work site in a safe condition, breach of the duty to inspect for and remediate safety hazards.

III. DAMAGES

- 3.1 As a direct and proximate cause of the above-referenced incident, plaintiff Claro was caused to be severely injured.
- 3.2 Although medical attention and supportive remedies have been resorted to, said injuries, together with pain, discomfort, limitation of movement, prevail and will continue to prevail for an indefinite time into the future.
- 3.3 Plaintiff has incurred and will likely continue to incur medical expenses and other expenses to be proved at the time of trial.
- 3.4 Plaintiff has incurred a loss of earnings and a diminished earning capacity in an amount to be proved at the time of trial.
- 3.5 Plaintiff has incurred general damages in an amount to be proved at the time of trial.

COMPLAINT FOR PERSONAL INJURIES - 3

Law Office of
Daniel R. Whitmore, PS
6840 Fort Dent Way, Ste. 210
Tukwila, WA 98188
(206) 329-8400 / (206) 329-8401 (FAX)

WHEREFORE, plaintiff prays for judgment against the defendants in an amount to be proved at the time of trial, together with plaintiff's costs, reasonable attorney's fees, prejudgment interest, and other such relief that the Court may deem just and equitable. day of December, 2020 DANIEL R. WHITMORE Whitmore, WSBA No.24012 Attorney for Plaintiff